

FAX TRANSMITTAL COVER SHEET

CONLEY ROSE, P.C.
5700 Granite Parkway, Suite 330
Plano, Texas 75024-6616
Telephone Number: (972) 731-2288
Fax Number: (972) 731-2289

PLEASE DELIVER THE FOLLOWING PAGES IMMEDIATELY TO:

NAME: Mail Stop RCE
Commissioner for Patents

FAX: 703.872.9306

FROM: Michael W. Piper

DATE: September 3, 2004

RE: U.S. Patent Application Serial No. 09/645,759
Filing Date: August 25, 2000
Atty Docket 4040-04000
Request for Continued Examination
Transmittal Cover Sheet (1 page)

Total Number of Pages (Including Cover Page): 3

**IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL IMMEDIATELY**

This facsimile and the information it contains is intended to be a confidential communication only to the person or entity to whom it is addressed. If you have received this facsimile in error, please notify us by telephone at the above telephone number and return the original to this office by mail.

PTO/SB/50 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/645,769
Filing Date	August 25, 2000
First Named Inventor	Howard W. DeMoore
Art Unit	3743
Examiner Name	Nguyen, Camtu Tran
Attorney Docket Number	4040-04000

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☒ Other Response to Final Office Action filed June 7, 2004
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 50-1515
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Michael W. Ripert	Registration No. (Attorney/Agent)	39,800
Signature	<i>Michael W. Ripert</i>	Date	September 3, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

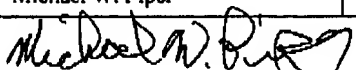
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Jean Brown	Date	September 3, 2004
Signature	<i>Jean Brown</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

FEE TRANSMITTAL				Complete if Known																																																																																																																																			
For FY 2004																																																																																																																																							
<i>Effective 10/01/2003. Patent fees are subject to annual revision.</i>																																																																																																																																							
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27																																																																																																																																							
TOTAL AMOUNT OF PAYMENT		\$ 440.00		Application Number		09/645,759																																																																																																																																	
				Filing Date		August 25, 2000																																																																																																																																	
				First Named Inventor		Howard W. DeMoore																																																																																																																																	
				Examiner Name		Nguyen, Camtu Tran																																																																																																																																	
				Art Unit		3743																																																																																																																																	
				Atty. Docket No.		4040-04000																																																																																																																																	
METHOD OF PAYMENT (Check all that apply)				FEE CALCULATION (continued)																																																																																																																																			
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None				3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse; font-size: small;"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051 130</td><td>2051 65</td><td>Surcharge - late filing fee or oath</td><td>\$</td></tr> <tr><td>1052 50</td><td>2052 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td>\$</td></tr> <tr><td>1053 130</td><td>1053 130</td><td>Non-English specification</td><td>\$</td></tr> <tr><td>1812 2,520</td><td>1812 2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td>\$</td></tr> <tr><td>18042 920*</td><td>1804 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td>\$</td></tr> <tr><td>1805 1,840*</td><td>1805 1,840*</td><td>Requesting publication of SIR after Examiner action</td><td>\$</td></tr> <tr><td>1251 110</td><td>2251 55</td><td>Extension for reply within first month</td><td>\$55.00</td></tr> <tr><td>1252 420</td><td>2252 210</td><td>Extension for reply within second month</td><td>\$</td></tr> <tr><td>1253 950</td><td>2253 475</td><td>Extension for reply within third month</td><td>\$</td></tr> <tr><td>1254 1,480</td><td>2254 740</td><td>Extension for reply within fourth month</td><td>\$</td></tr> <tr><td>1255 2,010</td><td>2255 1,005</td><td>Extension for reply within fifth month</td><td>\$</td></tr> <tr><td>1401 330</td><td>2401 165</td><td>Notice of Appeal</td><td>\$</td></tr> <tr><td>1402 330</td><td>2402 165</td><td>Filing a brief in support of an appeal</td><td>\$</td></tr> <tr><td>1403 280</td><td>2403 140</td><td>Request for oral hearing</td><td>\$</td></tr> <tr><td>1451 1,510</td><td>1452 1,510</td><td>Petition to institute a public use proceeding</td><td>\$</td></tr> <tr><td>1452 110</td><td>2452 55</td><td>Petition to revive - unavoidable</td><td>\$</td></tr> <tr><td>1453 1,330</td><td>2453 665</td><td>Petition to revive - unintentional</td><td>\$</td></tr> <tr><td>1501 1,330</td><td>2501 665</td><td>Utility issue fee (or reissue)</td><td>\$</td></tr> <tr><td>1502 480</td><td>2502 240</td><td>Design issue fee</td><td>\$</td></tr> <tr><td>1503 640</td><td>2503 320</td><td>Plant issue fee</td><td>\$</td></tr> <tr><td>1460 130</td><td>1460 130</td><td>Petitions to the Commissioner</td><td>\$</td></tr> <tr><td>1807 50</td><td>1806 50</td><td>Processing fee under 37 CFR 1.17(g)</td><td>\$</td></tr> <tr><td>123 50</td><td>123 50</td><td>Petitions related to provisional applications</td><td>\$</td></tr> <tr><td>1806 180</td><td>1806 180</td><td>Submission of Information Disclosure Stmt</td><td>\$</td></tr> <tr><td>8021 40</td><td>8021 40</td><td>Recording each patent assignment per property (times number of properties)</td><td>\$</td></tr> <tr><td>1809 770</td><td>2809 385</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td>\$</td></tr> <tr><td>1810 770</td><td>2810 385</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td>\$</td></tr> <tr><td>1801 770</td><td>2801 385</td><td>Request for Continued Examination (RCE)</td><td>\$385.00</td></tr> <tr><td>1802 900</td><td>1802 900</td><td>Request for expedited examination of a design application</td><td>\$</td></tr> <tr><td colspan="3">Other fee (specify)</td><td>\$</td></tr> <tr> <td colspan="3">*Reduced by Basic Filing Fee Paid</td> <td>SUBTOTAL (3) \$440.00</td> </tr> </tbody> </table>				Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1051 130	2051 65	Surcharge - late filing fee or oath	\$	1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	\$	1053 130	1053 130	Non-English specification	\$	1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	\$	18042 920*	1804 920*	Requesting publication of SIR prior to Examiner action	\$	1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	\$	1251 110	2251 55	Extension for reply within first month	\$55.00	1252 420	2252 210	Extension for reply within second month	\$	1253 950	2253 475	Extension for reply within third month	\$	1254 1,480	2254 740	Extension for reply within fourth month	\$	1255 2,010	2255 1,005	Extension for reply within fifth month	\$	1401 330	2401 165	Notice of Appeal	\$	1402 330	2402 165	Filing a brief in support of an appeal	\$	1403 280	2403 140	Request for oral hearing	\$	1451 1,510	1452 1,510	Petition to institute a public use proceeding	\$	1452 110	2452 55	Petition to revive - unavoidable	\$	1453 1,330	2453 665	Petition to revive - unintentional	\$	1501 1,330	2501 665	Utility issue fee (or reissue)	\$	1502 480	2502 240	Design issue fee	\$	1503 640	2503 320	Plant issue fee	\$	1460 130	1460 130	Petitions to the Commissioner	\$	1807 50	1806 50	Processing fee under 37 CFR 1.17(g)	\$	123 50	123 50	Petitions related to provisional applications	\$	1806 180	1806 180	Submission of Information Disclosure Stmt	\$	8021 40	8021 40	Recording each patent assignment per property (times number of properties)	\$	1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))	\$	1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	\$	1801 770	2801 385	Request for Continued Examination (RCE)	\$385.00	1802 900	1802 900	Request for expedited examination of a design application	\$	Other fee (specify)			\$	*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) \$440.00
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																				
1051 130	2051 65	Surcharge - late filing fee or oath	\$																																																																																																																																				
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	\$																																																																																																																																				
1053 130	1053 130	Non-English specification	\$																																																																																																																																				
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	\$																																																																																																																																				
18042 920*	1804 920*	Requesting publication of SIR prior to Examiner action	\$																																																																																																																																				
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	\$																																																																																																																																				
1251 110	2251 55	Extension for reply within first month	\$55.00																																																																																																																																				
1252 420	2252 210	Extension for reply within second month	\$																																																																																																																																				
1253 950	2253 475	Extension for reply within third month	\$																																																																																																																																				
1254 1,480	2254 740	Extension for reply within fourth month	\$																																																																																																																																				
1255 2,010	2255 1,005	Extension for reply within fifth month	\$																																																																																																																																				
1401 330	2401 165	Notice of Appeal	\$																																																																																																																																				
1402 330	2402 165	Filing a brief in support of an appeal	\$																																																																																																																																				
1403 280	2403 140	Request for oral hearing	\$																																																																																																																																				
1451 1,510	1452 1,510	Petition to institute a public use proceeding	\$																																																																																																																																				
1452 110	2452 55	Petition to revive - unavoidable	\$																																																																																																																																				
1453 1,330	2453 665	Petition to revive - unintentional	\$																																																																																																																																				
1501 1,330	2501 665	Utility issue fee (or reissue)	\$																																																																																																																																				
1502 480	2502 240	Design issue fee	\$																																																																																																																																				
1503 640	2503 320	Plant issue fee	\$																																																																																																																																				
1460 130	1460 130	Petitions to the Commissioner	\$																																																																																																																																				
1807 50	1806 50	Processing fee under 37 CFR 1.17(g)	\$																																																																																																																																				
123 50	123 50	Petitions related to provisional applications	\$																																																																																																																																				
1806 180	1806 180	Submission of Information Disclosure Stmt	\$																																																																																																																																				
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	\$																																																																																																																																				
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))	\$																																																																																																																																				
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	\$																																																																																																																																				
1801 770	2801 385	Request for Continued Examination (RCE)	\$385.00																																																																																																																																				
1802 900	1802 900	Request for expedited examination of a design application	\$																																																																																																																																				
Other fee (specify)			\$																																																																																																																																				
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) \$440.00																																																																																																																																				
1. BASIC FILING FEE <table border="1" style="width: 100%; border-collapse: collapse; font-size: small;"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1001 770</td><td>2001 385</td><td>Utility filing fee</td><td>\$</td></tr> <tr><td>1002 340</td><td>2002 170</td><td>Design filing fee</td><td>\$</td></tr> <tr><td>1003 530</td><td>2003 265</td><td>Plant filing fee</td><td>\$</td></tr> <tr><td>1004 770</td><td>2004 385</td><td>Reissue filing fee</td><td>\$</td></tr> <tr><td>1005 160</td><td>2005 80</td><td>Provisional filing fee</td><td>\$</td></tr> <tr><td colspan="3">SUBTOTAL (1)</td><td>\$</td></tr> </tbody> </table>				Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1001 770	2001 385	Utility filing fee	\$	1002 340	2002 170	Design filing fee	\$	1003 530	2003 265	Plant filing fee	\$	1004 770	2004 385	Reissue filing fee	\$	1005 160	2005 80	Provisional filing fee	\$	SUBTOTAL (1)			\$	2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE <table border="1" style="width: 100%; border-collapse: collapse; font-size: small;"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1202 18</td><td>2202 9</td><td>Claims in excess of 20</td><td>\$</td></tr> <tr><td>1201 86</td><td>2201 43</td><td>Independent Claims in excess of 3</td><td>\$</td></tr> <tr><td>1203 290</td><td>2203 145</td><td>Multiple dependent claim, if not paid</td><td>\$</td></tr> <tr><td>1204 86</td><td>2204 43</td><td>** Reissue independent claims over original patent</td><td>\$</td></tr> <tr><td>1205 18</td><td>2205 9</td><td>** Reissue claims in excess of 20 and over original patent</td><td>\$</td></tr> <tr><td colspan="3">SUBTOTAL (2)</td><td>\$</td></tr> </tbody> </table>				Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1202 18	2202 9	Claims in excess of 20	\$	1201 86	2201 43	Independent Claims in excess of 3	\$	1203 290	2203 145	Multiple dependent claim, if not paid	\$	1204 86	2204 43	** Reissue independent claims over original patent	\$	1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	\$	SUBTOTAL (2)			\$																																																																								
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																				
1001 770	2001 385	Utility filing fee	\$																																																																																																																																				
1002 340	2002 170	Design filing fee	\$																																																																																																																																				
1003 530	2003 265	Plant filing fee	\$																																																																																																																																				
1004 770	2004 385	Reissue filing fee	\$																																																																																																																																				
1005 160	2005 80	Provisional filing fee	\$																																																																																																																																				
SUBTOTAL (1)			\$																																																																																																																																				
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																				
1202 18	2202 9	Claims in excess of 20	\$																																																																																																																																				
1201 86	2201 43	Independent Claims in excess of 3	\$																																																																																																																																				
1203 290	2203 145	Multiple dependent claim, if not paid	\$																																																																																																																																				
1204 86	2204 43	** Reissue independent claims over original patent	\$																																																																																																																																				
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	\$																																																																																																																																				
SUBTOTAL (2)			\$																																																																																																																																				
** or number previously paid, if greater; For Reissues, see above																																																																																																																																							
SUBMITTED BY				Complete (if applicable)																																																																																																																																			
Name (Print/Type)		Michael W. Piper		Registration No. (Attorney/Agent)		39,800																																																																																																																																	
Signature				Telephone		(972) 731-2288																																																																																																																																	
				Date		9/3/2004																																																																																																																																	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SENT FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-OPTO-9199 (1-800-786-9199) and select option 2.